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10/037,782	01/02/2002	Ronald A. Katz	228/052	7708

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EXAMINER

WOO, STELLA L

ART UNIT

2643

PAPER NUMBER

9

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,782

Applicant(s)

KATZ, RONALD A.

Examiner

Stella L. Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-45 is/are allowed.
- 6) ☒ Claim(s) 22-25, 46-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-23, 25, 46-49, 54-56, 65-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. (US 4,797,911, hereinafter "Szlam") in view of Gordon et al. (US 4,763,191, hereinafter "Gordon").

Szlam discloses a voice-data control system comprising:

interface structure (trunk interface control unit 10a13, ANI decoder 10a24, voice recognition module 10a32);

memory structure (mainframe 16, message recorder; col. 17, lines 27-46);

coupling structure (cross-point switch 13 couples with operator terminals 12a-12j);

displaying (customer information is sent to an available operator terminal for display, col. 12, lines 55-64; customer information, telephone number manually entered by the caller and data already stored in database, is displayed at the operator terminal, col. 12, line 22 - col. 13, line 36);

processing structure (system controller 11).

Szlam differs from claims 22-23, 25, 46-49, 54-56, 65-71 in that it does not specify testing credit card number data. However, Szlam is directed to a "customer"

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account servicing system which allows for sales transactions (placing an order from a catalog or advertisement, col. 1, lines 17-20, 45-48) and Gordon teaches the well known receiving of credit card number data from new customers (col. 2, line 65 - col. 3, line 3) such that it would have been obvious to an artisan of ordinary skill to incorporate such receiving and testing of credit card number data from new customers, as taught by Gordon, within the system of Szlam for the billing of sales orders.

Regarding claims 23 and 54, the customer enters credit card information by dialing (Gordon, col. 3; lines 1-3).

Regarding claim 25, the coupled terminal is a remote operator terminal 12 (Szlam, Figure 1).

Regarding claim 55, data received from the caller can be retrieved and entered by the operator after the call has been terminated (col. 17, lines 36-62).

Regarding claim 67, in Szlam, customer information, telephone number manually entered by the call and data already stored in database, is displayed at the operator terminal (col. 12, line 22 - col. 13, line 36).

Regarding claim 68, Szlam provides for recording audio signals via a message recorder for later playback to an operator terminal (col. 17, lines 27-46).

Regarding claims 69, Szlam provides for automatic call distribution (ACD) routing of calls via system controller 11 (col. 13, lines 43-53).

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3. Claims 24, 50-53, 57-61, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Szlam and Gordon, as applied to claims 22-23, 25, 46-49, 54-56, 65-71 above, and further in view of Kauffman (US 4,710,955).

The combination of Szlam and Gordon differs from claims 24, 50-53, 58-61, and 63 in that it does not specify testing for use limit. However, as taught by Kauffman (col. 13, lines 59-65), it is well known in the interactive voice-telephony art to test caller data for limiting the number of uses by the caller such that it would have been obvious to an artisan of ordinary skill to modify the combination of Szlam and Gordon by incorporating the use of such testing of call data signals, as taught by Kauffman, in order to allow for the limiting of the number of system uses by callers.

Regarding claim 63, in Szlam, calls are placed to verify credit card information (col. 10, lines 35-38).

#### ***Allowable Subject Matter***

4. Claims 26-45 are allowed.

5.

#### ***Response to Arguments***

6. Applicant's arguments filed August 15, 2003 have been fully considered but they are not persuasive.

Regarding claim 22, Applicant argues that neither Szlam nor Gordon, alone or in combination, teach that the caller data for the individual callers that is displayed at the coupled terminal is at least a part of the data entered by the callers. However, Szlam

clearly provides for receiving telephone number data entered by the caller when ANI is not available and displaying the collected information to the operator terminal (col. 12, lines 22-28; col. 12, line 67 – col. 13, line 25). In Gordon, credit card information is entered by the caller by dialing (col. 3, lines 1-3).

Regarding claims 46 and 55, Szlam provides a message player which records audio data from a caller and is later played back to the operator terminal for processing after the call has terminated (col. 17, lines 36-62).

### ***Conclusion***

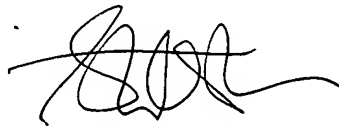
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, cursive script.

Stella L. Woo  
Primary Examiner  
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